

SEC. 2865. ARMY RESERVE RELOCATION FROM FORT DOUGLAS, UTAH.

Section 2603 of the National Defense Authorization Act for fiscal year 1998 (P.L. 105-85) is amended as follows:

"With regard to the conveyance of a portion of Fort Douglas, Utah to the University of Utah and the resulting relocation of Army Reserve activities to temporary and permanent relocation facilities, the Secretary of the Army may accept the funds paid by the University of Utah or State of Utah to pay costs associated with the conveyance and relocation. Funds received under this section shall be credited to the appropriation, fund or account from which the expenses are ordinarily paid. Amounts so credited shall be available until expended."

TITLE XXIX—RENEWAL OF MILITARY LAND WITHDRAWALS**SEC. 2901. FINDINGS.**

The Congress finds that—

(1) Public Law 99-606 authorized public land withdrawals for several military installations, including the Barry M. Goldwater Air Force Range in Arizona, the McGregor Range in New Mexico, and Fort Wainwright and Fort Greely in Alaska, collectively comprising over 4 million acres of public land;

(2) these military ranges provide important military training opportunities and serve a critical role in the national security of the United States and their use for these purposes should be continued;

(3) in addition to their use for military purposes, these ranges contain significant natural and cultural resources, and provide important wildlife habitat;

(4) the future use of these ranges is important not only for the affected military branches, but also for local residents and other public land users;

(5) the public land withdrawals authorized in 1986 under Public Law 99-606 were for a period of 15 years, and expire in November 2001; and

(6) it is important that the renewal of these public land withdrawals be completed in a timely manner, consistent with the process established in Public Law 99-606 and other applicable laws, including the completion of appropriate environmental impact studies and opportunities for public comment and review.

SEC. 2902. SENSE OF THE SENATE REGARDING PROPOSAL TO RENEW PUBLIC LAND WITHDRAWALS.

It is the sense of the Senate that the Secretary of Defense and the Secretary of the Interior, consistent with their responsibilities and requirements under applicable laws, should jointly prepare a comprehensive legislative proposal to renew the public land withdrawals for the four ranges referenced in section 2901 and transmit such proposal to the Congress no later than July 1, 1999.

SEC. 2903. SENSE OF SENATE REGARDING WITHDRAWALS OF CERTAIN LANDS IN ARIZONA.

It is the sense of the Senate that—

(1) it is vital to the national interest that the withdrawal of the lands withdrawn by section 1(c) of the Military Lands Withdrawal Act of 1986 (Public Law 99-606), relating to Barry M. Goldwater Air Force Range and the Cabeza Prieta National Wildlife Refuge, which would otherwise expire in 2001, be renewed in 1999;

(2) the renewed withdrawal of such lands is critical to meet the military training requirements of the Armed Forces and to provide the Armed Forces with experience necessary to defend the national interests;

(3) the Armed Forces currently carry out environmental stewardship of such lands in a comprehensive and focused manner; and

(4) a continuation in high-quality management of United States natural and cultural

resources is required if the United States is to preserve its national heritage.

DEPARTMENT OF ENERGY NATIONAL SECURITY ACT FOR FISCAL YEAR 2000

On May 27, 1999, the bill, S. 1062, was passed by the Senate. The text of the bill is as follows:

S. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Department of Energy National Security Act for Fiscal Year 2000".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

Sec. 3. Congressional defense committees defined.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**Subtitle A—National Security Programs Authorizations**

Sec. 3101. Weapons activities.

Sec. 3102. Defense environmental restoration and waste management.

Sec. 3103. Other defense activities.

Sec. 3104. Defense nuclear waste disposal.

Sec. 3105. Defense environmental management privatization.

Subtitle B—Recurring General Provisions

Sec. 3121. Reprogramming.

Sec. 3122. Limits on general plant projects.

Sec. 3123. Limits on construction projects.

Sec. 3124. Fund transfer authority.

Sec. 3125. Authority for conceptual and construction design.

Sec. 3126. Authority for emergency planning, design, and construction activities.

Sec. 3127. Funds available for all national security programs of the Department of Energy.

Sec. 3128. Availability of funds.

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Subtitle C—Program Authorizations, Restrictions, and Limitations

Sec. 3131. Prohibition on use of funds for certain activities under Formerly Utilized Site Remedial Action Program.

Sec. 3132. Continuation of processing, treatment, and disposition of legacy nuclear materials.

Sec. 3133. Nuclear weapons stockpile life extension program.

Sec. 3134. Tritium production.

Sec. 3135. Independent cost estimate of Accelerator Production of Tritium.

Sec. 3136. Nonproliferation initiatives and activities.

Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities

Sec. 3151. Short title.

Sec. 3152. Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities.

Sec. 3153. Background investigations of certain personnel at Department of Energy facilities.

Sec. 3154. Plan for polygraph examinations of certain personnel at Department of Energy facilities.

Sec. 3155. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and security of Restricted Data.

Sec. 3156. Moratorium on laboratory-to-laboratory and foreign visitors and assignments programs.

Sec. 3157. Increased penalties for misuse of Restricted Data.

Sec. 3158. Organization of Department of Energy counterintelligence and intelligence programs and activities.

Sec. 3159. Counterintelligence activities at certain Department of Energy facilities.

Sec. 3160. Whistleblower protection.

Sec. 3161. Investigation and remediation of alleged reprisals for disclosure of certain information to Congress.

Sec. 3162. Notification to Congress of certain security and counterintelligence failures at Department of Energy facilities.

Sec. 3163. Conduct of security clearances.

Sec. 3164. Protection of classified information during laboratory-to-laboratory exchanges.

Sec. 3165. Definition.

Subtitle E—Other Matters

Sec. 3171. Maintenance of nuclear weapons expertise in the Department of Defense and Department of Energy.

Sec. 3172. Modification of budget and planning requirements for Department of Energy national security activities.

Sec. 3173. Extension of authority of Department of Energy to pay voluntary separation incentive payments.

Sec. 3174. Integrated fissile materials management plan.

Sec. 3175. Use of amounts for award fees for Department of Energy closure projects for additional cleanup projects at closure project sites.

Sec. 3176. Pilot program for project management oversight regarding Department of Energy construction projects.

Sec. 3177. Extension of review of Waste Isolation Pilot Plant, New Mexico.

Sec. 3178. Proposed schedule for shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Plant, New Mexico.

Sec. 3179. Comptroller General report on closure of Rocky Flats Environmental Technology Site, Colorado.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Defense Nuclear Facilities Safety Board.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.

Sec. 3302. Limitations on previous authority for disposal of stockpile materials.

TITLE XXXIV—PANAMA CANAL COMMISSION

Sec. 3401. Short title.

Sec. 3402. Authorization of expenditures.

Sec. 3403. Purchase of vehicles.

Sec. 3404. Expenditures only in accordance with treaties.

Sec. 3405. Office of Transition Administration.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term “congressional defense committees” means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**Subtitle A—National Security Programs Authorizations****SEC. 3101. WEAPONS ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of \$4,530,000,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of \$2,248,700,000, to be allocated as follows:

(A) For core stockpile stewardship, \$1,748,500,000, to be allocated as follows:

(i) For operation and maintenance, \$1,615,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$133,145,000, to be allocated as follows:

Project 00-D-103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, \$8,000,000.

Project 00-D-105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, \$26,000,000.

Project 00-D-107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$1,800,000.

Project 99-D-102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, \$3,900,000.

Project 99-D-103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

Project 99-D-104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, \$2,400,000.

Project 99-D-105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 99-D-106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, \$6,500,000.

Project 99-D-108, renovate existing roadways, Nevada Test Site, Nevada, \$7,005,000.

Project 97-D-102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$61,000,000.

Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, \$2,640,000.

Project 96-D-104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$10,900,000.

(B) For inertial fusion, \$465,700,000, to be allocated as follows:

(i) For operation and maintenance, \$217,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), \$248,100,000, to be allocated as follows:

Project 96-D-111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, \$248,100,000.

(C) For technology partnership and education, \$34,500,000, to be allocated as follows:

(i) For technology partnership, \$15,200,000.

(ii) For education, \$19,300,000.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of \$2,039,300,000, to be allocated as follows:

(A) For operation and maintenance, \$1,880,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$158,679,000, to be allocated as follows:

Project 99-D-122, rapid reactivation, various locations, \$11,700,000.

Project 99-D-127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, \$17,000,000.

Project 99-D-128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, \$3,429,000.

Project 99-D-132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, \$11,300,000.

Project 98-D-123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Site, Aiken, South Carolina, \$21,800,000.

Project 98-D-124, stockpile management restructuring initiative, Y-12 Plant consolidation, Oak Ridge, Tennessee, \$3,150,000.

Project 98-D-125, tritium extraction facility, Savannah River Site, Aiken, South Carolina, \$33,000,000.

Project 98-D-126, accelerator production of tritium, various locations, \$31,000,000.

Project 97-D-123, structural upgrades, Kansas City Plant, Kansas City, Missouri, \$4,800,000.

Project 95-D-102, chemistry and metallurgy research building upgrades, Los Alamos National Laboratory, Los Alamos, New Mexico, \$18,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$3,500,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$242,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of \$5,532,868,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of \$1,069,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$980,919,000, to be allocated as follows:

(A) For operation and maintenance, \$880,629,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$100,290,000, to be allocated as follows:

Project 00-D—, Transuranic waste treatment, Oak Ridge, Tennessee, \$12,000,000.

Project 00-D-400, Site Operations Center, Idaho National Engineering and Environmental Laboratory, Idaho Falls, Idaho, \$1,306,000.

Project 99-D-402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, \$3,100,000.

Project 99-D-404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, \$7,200,000.

Project 98-D-401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, \$2,977,000.

Project 98-D-453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, \$16,860,000.

Project 98-D-700, road rehabilitation, Idaho National Engineering and Environmental Laboratory, Idaho, \$2,590,000.

Project 97-D-450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, \$4,000,000.

Project 97-D-470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, \$12,220,000.

Project 96-D-406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, \$24,441,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho National Engineering and Environmental Laboratory, Idaho, \$11,971,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$931,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$2,902,548,000, to be allocated as follows:

(A) For operation and maintenance, \$2,847,997,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$54,551,000, to be allocated as follows:

Project 00-D-401, spent nuclear fuel treatment and storage facility, title I and II, Savannah River Site, Aiken, South Carolina, \$7,000,000.

Project 99-D-403, privatization phase I infrastructure support, Richland, Washington, \$13,988,000.

Project 97-D-402, tank farm restoration and safe operations, Richland, Washington, \$20,516,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$4,060,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, \$8,987,000.

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$235,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities

necessary for national security programs in the amount of \$344,409,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of \$1,821,000,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, \$744,300,000, to be allocated as follows:

(A) For verification and control technology, \$497,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, \$215,000,000.

(ii) For arms control, \$276,000,000.

(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$6,000,000, to be allocated as follows:

Project 00-D-192, Nonproliferation and International Security Centers (NISC), Los Alamos National Laboratory, New Mexico, \$6,000,000.

(B) For nuclear safeguards and security, \$59,100,000.

(C) For security investigations, \$47,000,000.

(D) For emergency management, \$21,000,000.

(E) For program direction, \$90,450,000.

(F) For HEV Transparency implementation, \$15,750,000.

(G) For international nuclear safety, \$34,000,000.

(2) INTELLIGENCE.—For intelligence, \$36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, \$66,200,000.

(4) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, \$30,000,000, to be allocated as follows:

(A) For worker and community transition, \$26,500,000.

(B) For program direction, \$3,500,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, \$200,000,000, to be allocated as follows:

(A) For operation and maintenance, \$129,766,000.

(B) For program direction, \$7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$62,891,000, to be allocated as follows:

Project 00-D-142, Immobilization and associated processing facility, various locations, \$21,765,000.

Project 99-D-141, pit disassembly and conversion facility, various locations, \$28,751,000.

Project 99-D-143, mixed oxide fuel fabrication facility, various locations, \$12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, \$79,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), \$54,231,000.

(B) For program direction, \$24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, \$3,000,000.

(8) NAVAL REACTORS.—For naval reactors, \$675,000,000, to be allocated as follows:

(A) For naval reactors development, \$654,400,000, to be allocated as follows:

(i) For operation and maintenance, \$630,400,000.

(ii) For plant projects (including maintenance, restoration, planning, construction,

acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$24,000,000, to be allocated as follows:

GNP-101, general plant projects, various locations, \$9,000,000.

Project 98-D-200, site laboratory/facility upgrade, various locations, \$3,000,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$12,000,000.

(B) For program direction, \$20,600,000.

(b) ADJUSTMENT.—(1) The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in paragraphs (1) through (7) of subsection (a) reduced by \$12,559,000.

(2) The amount authorized to be appropriated pursuant to subsection (a)(1)(C) is reduced by \$20,000,000 to reflect an offset provided by user organizations for security investigations.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

(a) DEFENSE NUCLEAR WASTE DISPOSAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$112,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated pursuant to subsection (a) is reduced by \$39,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$241,000,000, to be allocated as follows:

Project 98-PVT-2, spent nuclear fuel dry storage, Idaho Falls, Idaho, \$5,000,000.

Project 98-PVT-5, waste disposal, Oak Ridge, Tennessee, \$20,000,000.

Project 97-PVT-1, tank waste remediation system phase I, Hanford, Washington, \$106,000,000.

Project 97-PVT-2, advanced mixed waste treatment facility, Idaho Falls, Idaho, \$110,000,000.

(b) ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects set forth in that subsection, reduced by \$25,000,000 for use of prior year balances of funds for defense environmental management privatization.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded

any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) **LIMITATION.**—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) **NOTICE TO CONGRESS.**—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) **REQUIREMENT FOR CONCEPTUAL DESIGN.**—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) **AUTHORITY.**—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) **LIMITATION.**—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) **IN GENERAL.**—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) **EXCEPTION FOR PROGRAM DIRECTION FUNDS.**—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2002.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) **TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.**—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) **LIMITATIONS.**—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed \$5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) **EXEMPTION FROM REPROGRAMMING REQUIREMENTS.**—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) **NOTIFICATION.**—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) **DEFINITIONS.**—In this section:

(1) The term “program or project” means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term “defense environmental management funds” means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) **DURATION OF AUTHORITY.**—The managers of the field offices of the Department may exercise the authority provided under

subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES UNDER FORMERLY UTILIZED SITE REMEDIAL ACTION PROGRAM.

Notwithstanding any other provision of law, no funds authorized to be appropriated or otherwise made available by this Act, or by any Act authorizing appropriations for the military activities of the Department of Defense or the defense activities of the Department of Energy for a fiscal year after fiscal year 2000, may be obligated or expended to conduct treatment, storage, or disposal activities at any site designated as a site under the Formerly Utilized Site Remedial Action Program as of the date of the enactment of this Act.

SEC. 3132. CONTINUATION OF PROCESSING, TREATMENT, AND DISPOSITION OF LEGACY NUCLEAR MATERIALS.

The Secretary of Energy shall continue operations and maintain a high state of readiness at the F-canyon and H-canyon facilities at the Savannah River Site, Aiken, South Carolina, and shall provide the technical staff necessary to operate and so maintain such facilities.

SEC. 3133. NUCLEAR WEAPONS STOCKPILE LIFE EXTENSION PROGRAM.

(a) **PROGRAM REQUIRED.**—The Secretary of Energy shall, in consultation with the Secretary of Defense, carry out a program to provide for the extension of the effective life of the weapons in the nuclear weapons stockpile.

(b) **ADMINISTRATIVE RESPONSIBILITY FOR PROGRAM.**—The program under subsection (a) shall be a program within the Office of Defense Programs of the Department of Energy.

(c) **PROGRAM PLAN.**—As part of the program under subsection (a), the Secretary shall develop a long-term plan for the extension of the life of the weapons in the nuclear weapons stockpile. The plan shall provide the following:

(1) Mechanisms to provide for the remanufacture of each weapon design designated by the Secretary for inclusion in the enduring nuclear weapons stockpile as of the date of the enactment of this Act.

(2) Mechanisms to expedite the collection of data necessary for carrying out the program, including data relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials.

(3) Mechanisms to ensure the appropriate assignment of roles and missions for each Department nuclear weapons laboratory and production plant, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel.

(4) Mechanisms for allocating funds for activities under the program, including allocations of funds by weapon type and facility.

(d) **ANNUAL SUBMITTAL OF PLAN.**—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under subsection (c) not later than January 1, 2000. The plan shall contain the maximum level of detail practicable.

(2) The Secretary shall submit to the committees referred to in paragraph (1) each year after 2000, at the same time as the submission of the budget for the fiscal year beginning in such year under section 1105 of title 31, United States Code, an update of the plan submitted under paragraph (1). Each update shall contain the same level of detail as the plan submitted under paragraph (1).

(e) SENSE OF CONGRESS REGARDING FUNDING OF PROGRAM.—It is the sense of Congress that the President should include in each budget for a fiscal year submitted to Congress under section 1105 of title 31, United States Code, sufficient funds to carry out in the fiscal year covered by such budget the activities under the program under subsection (a) that are specified in the most current version of the plan for the program under this section.

SEC. 3134. TRITIUM PRODUCTION.

(a) PRODUCTION OF NEW TRITIUM.—The Secretary of Energy shall produce new tritium to meet the requirements of the Nuclear Weapons Stockpile Memorandum at the Tennessee Valley Authority Watts Bar or Sequoyah nuclear power plants consistent with the Secretary's December 22, 1998, decision document designating the Secretary's preferred tritium production technology.

(b) SUPPORT.—To support the method of tritium production set forth in subsection (a), the Secretary shall design and construct a new tritium extraction facility in the H-Area of the Savannah River Site, Aiken, South Carolina.

(c) DESIGN AND ENGINEERING DEVELOPMENT.—The Secretary shall—

(1) complete preliminary design and engineering development of the Accelerator Production of Tritium technology design as a backup source of tritium to the source set forth in subsection (a) and consistent with the Secretary's December 22, 1998, decision document; and

(2) make available those funds necessary to complete engineering development and demonstration, preliminary design, and detailed design of key elements of the system consistent with the Secretary's decision document of December 22, 1998.

SEC. 3135. INDEPENDENT COST ESTIMATE OF ACCELERATOR PRODUCTION OF TRITIUM.

(a) INDEPENDENT COST ESTIMATE.—(1) The Secretary of Energy shall secure an independent cost estimate of the Accelerator Production of Tritium.

(2) The estimate shall be conducted at the highest possible level, but in no event at a level below that currently defined by the Secretary as Type III, "Sampling Technique".

(b) REPORT.—Not later than April 1, 2000, the Secretary shall submit to the congressional defense committees a report on the independent cost estimate conducted under subsection (a).

SEC. 3136. NONPROLIFERATION INITIATIVES AND ACTIVITIES.

(a) INITIATIVE FOR PROLIFERATION PREVENTION PROGRAM.—(1) Not more than 40 percent of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program (IPP) may be obligated or expended by the Department of Energy national laboratories to carry out or provide oversight of any activities under that program.

(2)(A) None of the funds available in any fiscal year after fiscal year 1999 for the Initiative for Proliferation Prevention program may be used to increase or otherwise supplement the pay or benefits of a scientist or engineer if the scientist or engineer—

(i) is currently engaged in activities directly related to the design, development, production, or testing of chemical or biological weapons or a missile system to deliver such weapons; or

(ii) was not formerly engaged in activities directly related to the design, development, production, or testing of weapons of mass destruction or a missile system to deliver such weapons.

(B) None of the funds available in any fiscal year after fiscal year 1999 for the Initia-

tive for Proliferation Prevention program may be made available to an institute if the institute—

(i) is currently involved in activities described in subparagraph (A)(i); or

(ii) was not formerly involved in activities described in subparagraph (A)(ii).

(3)(A) No funds available for the Initiative for Proliferation Prevention program may be provided to an institute or scientist under the program if the Secretary of Energy determines that the institute or scientist has made a scientific or business contact in any way associated with or related to weapons of mass destruction with a representative of a country of proliferation concern.

(B) For purposes of this paragraph, the term "country of proliferation concern" means any country so designated by the Director of Central Intelligence for purposes of the Initiative for Proliferation Prevention program.

(4)(A) The Secretary of Energy shall prescribe procedures for the review of projects under the Initiative for Proliferation Prevention program. The purpose of the review shall be to ensure the following:

(i) That the military applications of such projects, and any information relating to such applications, is not inadvertently transferred or utilized for military purposes.

(ii) That activities under the projects are not redirected toward work relating to weapons of mass destruction.

(iii) That the national security interests of the United States are otherwise fully considered before the commencement of the projects.

(B) Not later than 30 days after the date on which the Secretary prescribes the procedures required by subparagraph (A), the Secretary shall submit to Congress a report on the procedures. The report shall set forth a schedule for the implementation of the procedures.

(5)(A) The Secretary shall evaluate the projects carried out under the Initiative for Proliferation Prevention program for commercial purposes to determine whether or not such projects are likely to achieve their intended commercial objectives.

(B) If the Secretary determines as a result of the evaluation that a project is not likely to achieve its intended commercial objective, the Secretary shall terminate the project.

(6) It is the sense of Congress that the President should enter into negotiations with the Russian Government for purposes of concluding an agreement between the United States Government and the Russian Government to provide for the permanent exemption from taxation by the Russian Government of the nonproliferation activities of the Department of Energy under the Initiative for Proliferation Prevention program.

(b) NUCLEAR CITIES INITIATIVE.—(1) No amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may be obligated or expended for purposes of the initiative until the Secretary of Energy certifies to Congress that Russia has agreed to close some of its facilities engaged in work on weapons of mass destruction.

(2) Notwithstanding a certification under paragraph (1), amounts authorized to be appropriated by this title for the Nuclear Cities Initiative may not be obligated or expended for purposes of providing assistance under the initiative to more than three nuclear cities, and more than two serial production facilities, in Russia in fiscal year 2000.

(3)(A) The Secretary shall conduct a study of the potential economic effects of each commercial program proposed under the Nuclear Cities Initiative before providing assistance for the conduct of the program. The study shall include an assessment regarding

whether or not the mechanisms for job creation under the program are likely to lead to the creation of the jobs intended to be created by the program.

(B) If the Secretary determines as a result of the study that the intended commercial benefits of a program are not likely to be achieved, the Secretary may not provide assistance for the conduct of the program.

(4) Not later than January 1, 2000, the Secretary shall submit to Congress a report describing the participation in or contribution to the Nuclear Cities Initiative of each department and agency of the United States Government that participates in or contributes to the initiative. The report shall describe separately any interagency participation in or contribution to the initiative.

(c) REPORT.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Initiative for Proliferation Prevention program (IPP) and the Nuclear Cities Initiative.

(2) The report shall include the following:

(A) A strategic plan for the Initiative for Proliferation Prevention program and for the Nuclear Cities Initiative, which shall establish objectives for the program or initiative, as the case may be, and means for measuring the achievement of such objectives.

(B) A list of the most successful projects under the Initiative for Proliferation Prevention program, including for each such project the name of the institute and scientists who are participating or have participated in the project, the number of jobs created through the project, and the manner in which the project has met the nonproliferation objectives of the United States.

(C) A list of the institutes and scientists associated with weapons of mass destruction programs or other defense-related programs in the states of the former Soviet Union that the Department seeks to engage in commercial work under the Initiative for Proliferation Prevention program or the Nuclear Cities Initiative, including—

(i) a description of the work performed by such institutes and scientists under such weapons of mass destruction programs or other defense-related programs; and

(ii) a description of any work proposed to be performed by such institutes and scientists under the Initiative for Proliferation Prevention program or the Nuclear Cities Initiative.

(d) NUCLEAR CITIES INITIATIVE DEFINED.—For purposes of this section, the term "Nuclear Cities Initiative" means the initiative arising pursuant to the March 1998 discussions between the Vice President of the United States and the Prime Minister of the Russian Federation and between the Secretary of Energy of the United States and the Minister of Atomic Energy of the Russian Federation.

Subtitle D—Safeguards, Security, and Counterintelligence at Department of Energy Facilities

SEC. 3151. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Facilities Safeguards, Security, and Counterintelligence Enhancement Act of 1999".

SEC. 3152. COMMISSION ON SAFEGUARDS, SECURITY, AND COUNTERINTELLIGENCE AT DEPARTMENT OF ENERGY FACILITIES.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the "Commission on Safeguards, Security, and Counterintelligence at Department of Energy Facilities" (in this section referred to as the "Commission").

(b) ORGANIZATIONAL MATTERS.—(1) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters related to the security of nuclear weapons and materials, the classification of information, or counterintelligence matters, as follows:

(A) Two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the ranking member of that Committee.

(B) One shall be appointed by the ranking member of the Committee on Armed Services of the Senate, in consultation with the Chairman of that Committee.

(C) Two shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives, in consultation with the ranking member of that Committee.

(D) One shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives, in consultation with the Chairman of that Committee.

(E) One shall be appointed by the Secretary of Defense.

(F) One shall be appointed by the Director of the Federal Bureau of Investigation.

(G) One shall be appointed by the Director of Central Intelligence.

(2) Members of the Commission shall be appointed for four year terms, except as follows:

(A) One member initially appointed under paragraph (1)(A) shall serve a term of two years.

(B) One member initially appointed under paragraph (1)(C) shall serve a term of two years.

(C) The member initially appointed under paragraph (1)(E) shall serve a term of two years.

(3) Any vacancy in the Commission shall be filled in the same manner as the original appointment and shall not affect the powers of the Commission.

(4)(A) After five members of the Commission have been appointed under paragraph (1), the Chairman of the Committee on Armed Services of the Senate, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, shall designate the chairman of the Commission from among the members appointed under paragraph (1)(A).

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

(5) The members of the Commission shall be appointed not later than 60 days after the date of the enactment of this Act.

(6) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(7) The Commission shall meet not less often than once every three months.

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

(c) DUTIES.—(1) The Commission shall, in accordance with this section, review the safeguards, security, and counterintelligence activities (including activities relating to information management, computer security, and personnel security) at Department of Energy facilities to—

(A) determine the adequacy of those activities to ensure the security of sensitive information, processes, and activities under the jurisdiction of the Department against threats to the disclosure of such information, processes, and activities; and

(B) make recommendations for actions the Commission determines as being necessary to ensure that such security is achieved and maintained.

(2) The activities of the Commission under paragraph (1) shall include the following:

(A) An analysis of the sufficiency of the Design Threat Basis documents as a basis for the allocation of resources for safeguards, security, and counterintelligence activities at the Department facilities in light of applicable guidance with respect to such activities, including applicable laws, Department of Energy orders, Presidential Decision Directives, and Executive Orders.

(B) Visits to Department facilities to assess the adequacy of the safeguards, security, and counterintelligence activities at such facilities.

(C) Evaluations of specific concerns set forth in Department reports regarding the status of safeguards, security, or counterintelligence activities at particular Department facilities or at facilities throughout the Department.

(D) Reviews of relevant laws, Department orders, and other requirements relating to safeguards, security, and counterintelligence activities at Department facilities.

(E) Any other activities relating to safeguards, security, and counterintelligence activities at Department facilities that the Secretary of Energy considers appropriate.

(d) REPORT.—(1) Not later than February 15 each year, the Commission shall submit to the Secretary of Energy and to the congressional defense committees a report on the activities of the Commission during the preceding year. The report shall be submitted in unclassified form, but may include a classified annex.

(2) Each report—

(A) shall describe the activities of the Commission during the year covered by the report;

(B) shall set forth proposals for any changes in safeguards, security, or counterintelligence activities at Department of Energy facilities that the Commission considers appropriate in light of such activities; and

(C) may include any other recommendations for legislation or administrative action that the Commission considers appropriate.

(e) PERSONNEL MATTERS.—(1)(A) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3)(A) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties.

(B) The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any officer or employee of the United States may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) The members and employees of the Commission shall hold security clearances appropriate for the matters considered by the Commission in the discharge of its duties under this section.

(f) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(g) FUNDING.—(1) From amounts authorized to be appropriated by sections 3101 and 3103, the Secretary of Energy shall make available to the Commission not more than \$1,000,000 for the activities of the Commission under this section.

(2) Amounts made available to the Commission under this subsection shall remain available until expended.

(h) TERMINATION OF DEPARTMENT OF ENERGY SECURITY MANAGEMENT BOARD.—(1) Section 3161 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2048; 42 U.S.C. 7251 note) is repealed.

(2) Section 3162 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2049; 42 U.S.C. 7274 note) is amended—

(A) by striking “(a) IN GENERAL.—”; and

(B) by striking subsection (b).

SEC. 3153. BACKGROUND INVESTIGATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall ensure that an investigation meeting the requirements of section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is made for each Department of Energy employee, or contractor employee, at a Department of Energy facility who—

(1) carries out duties or responsibilities in or around a location where Restricted Data is or may be present; or

(2) has or may have regular access to a location where Restricted Data is present.

(b) COMPLIANCE.—The Secretary shall have one year from the date of the enactment of this Act to meet the requirement in subsection (a).

SEC. 3154. PLAN FOR POLYGRAPH EXAMINATIONS OF CERTAIN PERSONNEL AT DEPARTMENT OF ENERGY FACILITIES.

(a) PLAN.—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the congressional defense committees a plan for conducting, as part of the Department of Energy personnel assurance programs, periodic polygraph examinations of each Department of Energy employee, or contractor employee, at a Department of Energy facility who has or may have access to Restricted Data or Sensitive Compartmented Information. The purpose of the examinations is to minimize the potential for release or disclosure of such data or information by such employees.

(2) The plan shall include recommendations for any legislative action necessary to implement the plan.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMITTAL OF PLAN.—Not more than 50 percent of the amounts authorized to be appropriated or otherwise made available for the Department of Energy for fiscal year 2000 for travel expenses may be obligated or expended until the date of the submittal of the plan required by subsection (a).

SEC. 3155. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et

seq.) is amended by inserting after section 234A the following new section:

"SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

"a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed \$100,000 for each such violation.

"b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

"c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section."

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting "SAFETY" before "REGULATIONS".

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

"234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

"234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data."

SEC. 3156. MORATORIUM ON LABORATORY-TO-LABORATORY AND FOREIGN VISITORS AND ASSIGNMENTS PROGRAMS.

(a) CERTIFICATION.—(1) The Secretary of Energy, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation shall jointly submit to the committees referred to in paragraph (3) a certification that each program referred to in paragraph (2) meets the following conditions:

(A) That the program complies with applicable orders, regulations, and policies of the Department of Energy relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such orders, regulations, and policies.

(B) That the program complies with Presidential Decision Directives and similar requirements relating to the safeguarding and security of sensitive information and fulfills any counterintelligence requirements arising under such Directives or requirements.

(C) That the program includes adequate protections against the inadvertent release of Restricted Data, information important to the national security of the United States, and any other sensitive information the disclosure of which might harm the interests of the United States.

(D) That the program does not pose an undue risk to the national security interests of the United States.

(2) A program referred to in this paragraph is any program as follows:

(A) A cooperative program carried out between the Department of Energy and the People's Republic of China.

(B) A cooperative program carried out between the Department of Energy and an independent state of the former Soviet Union.

(C) A cooperative program carried out between the Department of Energy and any nation designated as sensitive by the Secretary of State.

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate.

(B) The Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) LIMITATION ON USE OF FUNDS PENDING CERTIFICATION.—(1) Except as provided in paragraph (2), no amounts authorized to be appropriated by section 3101 or 3103 or otherwise made available to the Department of Energy for fiscal year 2000 may be obligated or expended to conduct a program referred to in subsection (a)(2), or any studies or planning in anticipation of such program, beginning on the date that is 45 days after the date of the enactment of this Act and continuing until 30 days after the date on which the Director of Central Intelligence submits to the committees referred to in subsection (a)(3) the certification referred to in subsection (a)(1). The certification shall be submitted in unclassified form, but may include a classified annex.

(2)(A) The 30-day wait period specified in paragraph (1) for the obligation and expenditure of funds for a program referred to in subsection (a)(2) shall not apply if the certification with respect to the program under subsection (a)(1) is submitted during the 45-day period beginning on the date of the enactment of this Act.

(B) The limitation in paragraph (1) shall not apply—

(i) to the obligation or expenditure of funds authorized to be appropriated by title III for activities relating to cooperative threat reduction with states of the former Soviet Union; or

(ii) to the obligation or expenditure of funds authorized to be appropriated by section 3103(a)(1)(A)(ii) for the materials protection control and accounting program of the Department.

SEC. 3157. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking "\$20,000" and inserting "\$40,000"; and

(2) in clause b., by striking "\$10,000" and inserting "\$20,000".

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of the Atomic Energy Act of 1954 (42 U.S.C. 2275) is amended by striking "\$20,000" and inserting "\$40,000".

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2277) is amended by striking "\$2,500" and inserting "\$5,000".

SEC. 3158. ORGANIZATION OF DEPARTMENT OF ENERGY COUNTERINTELLIGENCE AND INTELLIGENCE PROGRAMS AND ACTIVITIES.

(a) OFFICE OF COUNTERINTELLIGENCE.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

"OFFICE OF COUNTERINTELLIGENCE

"SEC. 213. (a) There is within the Department an Office of Counterintelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Counterintelligence.

"(2) The Secretary shall, with the concurrence of the Director of the Federal Bureau of Investigation, designate the head of the office from among senior executive service employees of the Federal Bureau of Investigation who have expertise in matters relating to counterintelligence.

"(3) The Director of the Federal Bureau of Investigation may detail, on a reimbursable basis, any employee of the Bureau to the Department for service as Director of the Office. The service of an employee of the Bureau as Director of the Office shall not result in any loss of status, right, or privilege by the employee within the Bureau.

"(4) The Director of the Office shall report directly to the Secretary.

"(c)(1) The Director of the Office shall develop and ensure the implementation of security and counterintelligence programs and activities at Department facilities in order to reduce the threat of disclosure or loss of classified and other sensitive information at such facilities.

"(2) The Director of the Office shall be responsible for the administration of the personnel assurance programs of the Department.

"(3) The Director shall inform the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation on a regular basis, and upon specific request by any such official, regarding the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(d)(1) Not later than March 1 each year, the Director of the Office shall submit to the Secretary, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation and to the Committees on Armed Services of the Senate and House of Representatives a report on the status and effectiveness of the security and counterintelligence programs and activities at Department facilities during the preceding year.

"(2) Each report shall include for the year covered by the report the following:

"(A) A description of the status and effectiveness of the security and counterintelligence programs and activities at Department facilities.

"(B) A description of any violation of law or other requirement relating to intelligence, counterintelligence, or security at such facilities, including—

"(i) the number of violations that were investigated; and

"(ii) the number of violations that remain unresolved.

"(C) A description of the number of foreign visitors to Department facilities, including the locations of the visits of such visitors.

"(3) Each report submitted under this subsection to the committees referred to in paragraph (1) shall be submitted in unclassified form, but may include a classified annex."

(b) OFFICE OF INTELLIGENCE.—That title is further amended by adding at the end the following:

"OFFICE OF INTELLIGENCE

"SEC. 214. (a) There is within the Department an Office of Intelligence.

"(b)(1) The head of the Office shall be the Director of the Office of Intelligence.

"(2) The Director of the Office shall be a senior executive service employee of the Department.

"(3) The Director of the Office shall report directly to the Secretary.

"(c) The Director of the Office shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security."

(c) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 212 the following items:

“213. Office of Counterintelligence.
“214. Office of Intelligence.”.

SEC. 3159. COUNTERINTELLIGENCE ACTIVITIES AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—(1) The Secretary of Energy shall assign to each Department of Energy facility at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) SUPERVISION.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3160. WHISTLEBLOWER PROTECTION.

(a) PROGRAM.—The Secretary of Energy shall establish a program to ensure that an employee of the Department of Energy, or a contractor employee, may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or entity referred to in subsection (b) information relating to the protection of classified information which the employee or contractor employee reasonably believes to provide direct and specific evidence of a violation described in subsection (c).

(b) COVERED PERSONS AND ENTITIES.—A person or entity referred to in this subsection is the following:

(1) A Member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Federal Government to which the disclosed information relates.

(2) An employee of Congress who—
(A) is a staff member of a committee of Congress having primary responsibility for oversight of the department, agency, or element of the Federal Government to which the disclosed information relates; and

(B) has an appropriate security clearance for access to the information.

(3) The Inspector General of the Department of Energy.

(4) The Federal Bureau of Investigation.

(5) Any other element of the Federal Government designated by the Secretary as authorized to receive information of the type disclosed.

(c) COVERED VIOLATIONS.—A violation referred to in subsection (a) is—

(1) a violation of law or Federal regulation;
(2) gross mismanagement, a gross waste of funds, or abuse of authority; or

(3) a false statement to Congress on an issue of material fact.

SEC. 3161. INVESTIGATION AND REMEDIATION OF ALLEGED REPRISALS FOR DISCLOSURE OF CERTAIN INFORMATION TO CONGRESS.

(a) SUBMITTAL OF ALLEGATIONS TO INSPECTOR GENERAL.—A Department of Energy employee or contractor employee who believes that the employee has been discharged, demoted, or otherwise discriminated against as a reprisal for disclosing information referred to in subsection (a) of section 3160 in accordance with the provisions of that section may submit a complaint relating to such action to the Inspector General of the Department of Energy.

(b) INVESTIGATION.—(1) For each complaint submitted under subsection (a), the Inspector General shall—

(A) determine whether or not the complaint is frivolous; and

(B) if the Inspector General determines the complaint is not frivolous, conduct an investigation of the complaint.

(2) The Inspector General shall submit a report on each investigation undertaken under paragraph (1)(B) to—

(A) the employee who submitted the complaint on which the investigation is based;

(B) the contractor concerned, if any; and

(C) the Secretary of Energy.

(c) REMEDIAL ACTIONS.—(1) If the Secretary determines that an employee has been subjected to an adverse personnel action referred to in subsection (a) in contravention of the provisions of section 3160(a), the Secretary shall—

(A) in the case of a Department employee, take appropriate actions to abate the action; or

(B) in the case of a contractor employee, order the contractor concerned to take appropriate actions to abate the action.

(2)(A) If a contractor fails to comply with an order issued under paragraph (1)(B), the Secretary may file an action for enforcement of the order in the appropriate United States district court.

(B) In any action brought under subparagraph (A), the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(d) QUARTERLY REPORT.—(1) Not later than 30 days after the commencement of each fiscal quarter, the Inspector General shall submit to the congressional defense committees a report on the investigations undertaken under subsection (b)(1)(B) during the preceding fiscal quarter, including a summary of the results of such investigations.

(2) A report under paragraph (1) shall not identify or otherwise provide any information on a person submitting a complaint under this section without the consent of the person.

SEC. 3162. NOTIFICATION TO CONGRESS OF CERTAIN SECURITY AND COUNTERINTELLIGENCE FAILURES AT DEPARTMENT OF ENERGY FACILITIES.

(a) REQUIREMENT.—The Secretary of Energy, after consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, as appropriate, shall submit to the congressional defense committees a notification of each serious security or counterintelligence failure at a Department of Energy facility that the Secretary considers likely to cause significant harm or damage to the national security interests of the United States.

(b) DEADLINE.—The Secretary shall submit a notice under subsection (a) for a failure covered by that subsection not later than 30 days after learning of the failure.

(c) PROCEDURES.—The Secretary and the congressional defense committees shall each establish such procedures as may be necessary to carry out the provisions of this title.

(d) PROTECTION OF CLASSIFIED AND OTHER SENSITIVE INFORMATION.—(1) The House of Representatives and the Senate shall each establish, by rule or resolution of such House, procedures to protect from unauthorized disclosure classified information, all information relating to intelligence sources and methods, and sensitive law enforcement information that is furnished to the congressional defense committees pursuant to this section.

(2) Such procedures shall be established in consultation with the Secretary of Energy, the Director of Central Intelligence, and the Director of the Federal Bureau of Investigation.

(e) SAVINGS PROVISIONS.—(1) Nothing in this section shall be construed as authority to withhold information from the congressional defense committees on the grounds that providing the information to such committees would constitute the unauthorized disclosure of classified information, informa-

tion relating to intelligence sources or methods, or sensitive law enforcement information.

(2) Nothing in this section shall be construed to modify or supersede any other requirement to report information on intelligence activities to Congress, including the requirement under section 501 of the National Security Act of 1947 (50 U.S.C. 413) for the President to ensure that the intelligence committees are kept fully and currently informed of the intelligence activities of the United States and for the intelligence committees to notify promptly other congressional committees of any matter relating to intelligence activities requiring the attention of such committees.

SEC. 3163. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking “the Civil Service Commission” each place it appears in subsections a., b., and c. and inserting “the Federal Bureau of Investigation”.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) by striking subsections d. and f.; and

(2) by redesignating subsections e., g., and h. as subsections d., e., and f., respectively; and

(3) in subsection d., as so redesignated, by striking “determine that investigations” and all that follows and inserting “require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.”.

(c) COMPLIANCE.—The Director of the Federal Bureau of Investigation shall have one year from the date of the enactment of this Act to meet the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as amended by this section.

(d) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report on the implementation of the responsibilities of the Bureau under section 145 of the Atomic Energy Act of 1954, as so amended.

(e) TECHNICAL AMENDMENT.—Subsection f. of that section, as so redesignated, is amended by striking “section 145 b.” and inserting “subsection b. of this section”.

SEC. 3164. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Director of Counterintelligence of the Department of Energy may assign at least one employee from the pool established under paragraph (1) to accompany a group of

Department employees or Department contractor employees who travel to any nation designated to be a sensitive country for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

SEC. 3165. DEFINITION.

In this subtitle, the term "Restricted Data" has the meaning given that term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).

Subtitle E—Other Matters

SEC. 3171. MAINTENANCE OF NUCLEAR WEAPONS EXPERTISE IN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY.

(a) ADMINISTRATION OF JOINT NUCLEAR WEAPONS COUNCIL.—(1) Subsection (b) of section 179 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The Council shall meet not less often than once every three months."

(2) Subsection (c) of that section is amended by adding at the end the following new paragraph:

"(3) If the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs remains vacant for a period of more than 9 months, the Secretary of Energy shall appoint a qualified individual to serve as acting staff director of the Council until the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs is filled."

(b) REVITALIZATION OF JOINT NUCLEAR WEAPONS COUNCIL.—(1) The Secretary of Defense and the Secretary of Energy shall jointly prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to revitalize the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code.

(2) The plan shall include any proposed modification to the membership or responsibilities of the Council that the Secretaries jointly determine advisable to enhance the capability of the Council to ensure the integration of Department of Defense requirements for nuclear weapons into the programs and budget processes of the Department of Energy.

(c) ANNUAL REPORT ON COUNCIL ACTIVITIES.—The Secretary of Defense, shall, after consultation with the Secretary of Energy, submit to the Committees on Armed Services of the Senate and the House of Representatives on an annual basis a report on the activities of the Joint Nuclear Weapons Council. Each report shall include the following:

(1) A description of the activities of the Council during the 12-month period ending on the date of the report together with any assessments or studies conducted by the Council during that period.

(2) A description of the highest priority requirements of the Department of Defense with respect to the Department of Energy stockpile stewardship and management program as of that date.

(3) An assessment of the extent to which the requirements referred to in paragraph (2) are being addressed by the Department of Energy as of that date.

(d) NUCLEAR MISSION MANAGEMENT PLAN.—The Secretary of Defense shall develop and implement a plan to ensure the continued reliability of the capability of the Department of Defense to carry out its nuclear deterrent mission. The plan shall—

(1) articulate the current policy of the United States on the role of nuclear weapons and nuclear deterrence in the conduct of defense and foreign relations matters;

(2) establish stockpile viability and capability requirements with respect to that mission, including the number and variety of warheads required;

(3) establish requirements relating to the contractor industrial base, support infrastructure, and surveillance, testing, assessment, and certification of nuclear weapons necessary to support that mission;

(4) take into account requirements for the critical skills, readiness, training, exercise, and testing of personnel necessary to meet that mission; and

(5) take into account the relevant programs and plans of the military departments and the defense agencies with respect to readiness, sustainment (including research and development), and modernization of the strategic deterrent forces.

(e) NUCLEAR EXPERTISE RETENTION MEASURES.—(1) The Secretary of Energy and Secretary of Defense shall jointly submit to the committees referred to in subsection (c) a plan setting forth the actions that the Secretaries consider necessary to retain core scientific, engineering, and technical skills and capabilities within the Department of Energy, the Department of Defense, and their contractors in order to maintain the United States nuclear deterrent force indefinitely.

(2) The plan shall include the following elements:

(A) A baseline of current skills and capabilities by location.

(B) A statement of the skills or capabilities that are at risk of being lost within the next ten years.

(C) A proposal for recruitment and retention measures to address the loss of such skills or capabilities.

(D) A proposal for the training and evaluation of personnel with core scientific, engineering, and technical skills and capabilities.

(E) A statement of the additional advanced manufacturing programs and process engineering programs that are required to maintain the nuclear deterrent force indefinitely.

(F) An assessment of the desirability of establishing a nuclear weapons workforce reserve to ensure the availability of the skills and capabilities of present and former employees of the Department in the event of an urgent future need for such skills and capabilities.

(f) REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES.—Section 3159 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2842; 42 U.S.C. 7274o) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) INCLUSION OF REPORTS IN ANNUAL STOCKPILE CERTIFICATION.—Any report submitted pursuant to subsection (a) shall also be included with the decision documents that accompany the annual certification of the safety and reliability of the United States nuclear weapons stockpile which is provided to the President for the year in which such report is submitted."

(g) TECHNICAL AMENDMENT.—Section 179(f) of title 10, United States Code, is amended by striking "the Committee on Armed Services" and all that follows through "House of Representatives" and inserting "the Committees on Armed Services and Appropriations of the Senate and the Committees on Armed Services and Appropriations of the House of Representatives".

SEC. 3172. MODIFICATION OF BUDGET AND PLANNING REQUIREMENTS FOR DEPARTMENT OF ENERGY NATIONAL SECURITY ACTIVITIES.

(a) ENHANCEMENT OF ANNUAL FIVE-YEAR BUDGET.—(1) Section 3155 of the National De-

fense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2841; 42 U.S.C. 7271b) is amended—

(A) by redesignating subsection (b) as subsection (c);

(B) by striking subsection (a) and inserting the following new subsections:

"(a) REQUIREMENT.—The Secretary of Energy shall prepare for each fiscal year after fiscal year 2000 a program and budget plan for the national security programs of the Department of Energy for the five-fiscal year period beginning in the year the program and budget plan is prepared.

"(b) ELEMENTS.—Each program and budget plan shall contain the following:

"(1) The estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs of the Department during the five-fiscal year period covered by the program and budget plan, expressed in a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

"(2) A description of the anticipated workload requirements for each Department site during that five-fiscal year period."; and

(C) in subsection (c), as so redesignated, by striking "the budget required" and inserting "the program and budget plan required".

(2) The section heading of such section is amended by striking "FIVE-YEAR BUDGET" and inserting "FIVE-FISCAL YEAR PROGRAM AND BUDGET PLAN".

(b) ADDITIONAL REQUIREMENTS FOR WEAPONS ACTIVITIES BUDGETS.—Section 3156 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2841; 42 U.S.C. 7271c) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) IMPACT OF BUDGET ON STOCKPILE.—The Secretary shall include in the materials the Secretary submits to Congress in support of the budget for any fiscal year after fiscal year 2000 that is submitted by the President pursuant to section 1105 of title 31, United States Code, a description of how the funds identified for each program element in the weapons activities budget of the Department for such fiscal year will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under 3158 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2257; 42 U.S.C. 2121 note)."

SEC. 3173. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104-208; 110 Stat. 3009-383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2003.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

SEC. 3174. INTEGRATED FISSILE MATERIALS MANAGEMENT PLAN.

(a) PLAN.—The Secretary of Energy shall develop a long-term plan for the integrated management of fissile materials by the Department of Energy. The plan shall—

(1) identify means of consolidating or integrating the responsibilities of the Office of

Environmental Management, the Office of Fissile Materials Disposition, the Office of Nuclear Energy, and the Office of Defense Programs for the treatment, storage and disposition of fissile materials, and for the waste streams containing fissile materials, in order to achieve budgetary and other efficiencies in the discharge of those responsibilities; and

(2) identify any expenditures necessary at the sites that are anticipated to have an enduring mission for plutonium management in order to achieve the integrated management of fissile materials by the Department.

(b) **SUBMITTAL TO CONGRESS.**—The Secretary shall submit the plan required by subsection (a) to the congressional defense committees not later than February 1, 2000.

SEC. 3175. USE OF AMOUNTS FOR AWARD FEES FOR DEPARTMENT OF ENERGY CLOSURE PROJECTS FOR ADDITIONAL CLEANUP PROJECTS AT CLOSURE PROJECT SITES.

(a) **AUTHORITY TO USE AMOUNTS.**—The Secretary of Energy may use an amount authorized to be appropriated for the payment of award fees for a Department of Energy closure project for purposes of conducting additional cleanup activities at the closure project site if the Secretary—

(1) anticipates that such amount will not be obligated for payment of award fees in the fiscal year in which such amount is authorized to be appropriated; and

(2) determines the use will not result in a deferral of the payment of the award fees for more than 12 months.

(b) **REPORT ON USE OF AUTHORITY.**—Not later than 30 days after each exercise of the authority in subsection (a), the Secretary shall submit to the congressional defense committees a report the exercise of the authority.

SEC. 3176. PILOT PROGRAM FOR PROJECT MANAGEMENT OVERSIGHT REGARDING DEPARTMENT OF ENERGY CONSTRUCTION PROJECTS.

(a) **REQUIREMENT.**—(1) The Secretary of Energy shall carry out a pilot program on use of project management oversight (PMO) services for Department of Energy construction projects.

(2) The purpose of the pilot program is to provide a basis for determining whether or not the use of competitively procured, external project management oversight services on construction projects would permit the Department to control excessive costs and schedule delays associated with Department construction projects having large capital costs.

(b) **PROJECTS COVERED BY PROGRAM.**—(1) Subject to paragraph (2), the Secretary shall carry out the pilot program at construction projects selected by the Secretary. The projects shall include one or more construction projects authorized pursuant to section 3101 and one construction project authorized pursuant to section 3102.

(2) The Secretary shall select projects that have capital construction costs anticipated to be not less than \$25,000,000.

(c) **SERVICES UNDER PROGRAM.**—The project management oversight services utilized under the pilot program shall include the following services:

(1) Monitoring the overall progress of a project.

(2) Determining whether or not a project is on schedule.

(3) Determining whether or not a project is within budget.

(4) Determining whether or not a project conforms with plans and specifications approved by the Department.

(5) Determining whether or not a project is being carried out efficiently and effectively.

(6) Any other management oversight services that the Secretary considers appropriate for purposes of the pilot program.

(d) **PROCUREMENT OF SERVICES UNDER PROGRAM.**—Any services procured under the pilot program shall be acquired—

(1) on a competitive basis; and

(2) from among commercial entities that—
(A) do not currently manage or operate facilities at a location where the pilot program is being conducted; and

(B) have an expertise in the management of large construction projects.

(e) **REPORT.**—Not later than February 1, 2000, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on pilot program. The report shall include the Secretary's assessment of the feasibility and desirability of utilizing project management oversight services for Department of Energy construction projects.

SEC. 3177. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT, NEW MEXICO.

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking "nine additional one-year periods" and inserting "fourteen additional one-year periods".

SEC. 3178. PROPOSED SCHEDULE FOR SHIPMENTS OF WASTE FROM THE ROCKY FLATS PLANT, COLORADO, TO THE WASTE ISOLATION PILOT PLANT, NEW MEXICO.

(a) **SUBMITTAL OF PROPOSED SCHEDULE.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a proposed schedule for the commencement of shipments of waste from the Rocky Flats Plant, Colorado, to the Waste Isolation Pilot Plant, New Mexico.

(b) **ELEMENTS.**—The schedule under subsection (a) shall set forth—

(1) the proposed commencement date of shipments of mixed transuranic waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant; and

(2) the proposed commencement date of shipments of unmixed transuranic waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant.

(c) **REQUIREMENTS REGARDING SCHEDULE.**—In preparing the schedule, the Secretary shall assume the following:

(1) A closure date for the Rocky Flats Plant in 2006.

(2) That all waste that is transferable from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be removed from the Rocky Flats Plant by that closure date as specified in the current 2006 Rocky Flats Plant Closure Plan.

(3) That, to the maximum extent practicable, shipments of waste from the Rocky Flats Plant to the Waste Isolation Pilot Plant will be carried out on an expedited schedule, but not interfere with other shipments of waste to the Waste Isolation Pilot Plant that are planned as of the date of the enactment of this Act.

SEC. 3179. COMPTROLLER GENERAL REPORT ON CLOSURE OF ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) **REPORT.**—Not later than December 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report assessing the progress in the closure of the Rocky Flats Environmental Technology Site, Colorado.

(b) **REPORT ELEMENTS.**—The report shall address the following:

(1) How decisions with respect to the future use of the Rocky Flats Environmental Technology Site effect ongoing cleanup at the site.

(2) Whether the Secretary of Energy could provide flexibility to the contractor at the

site in order to quicken the cleanup of the site.

(3) Whether the Secretary could take additional actions throughout the nuclear weapons complex of the Department of Energy in order to quicken the closure of the site.

(4) The developments, if any, since the April 1999 report of the Comptroller General that could alter the pace of the closure of the site.

(5) The possibility of closure of the site by 2006.

(6) The actions that could be taken by the Secretary or Congress to ensure that the site would be closed by 2006.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

There are authorized to be appropriated for fiscal year 2000, \$17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) **OBLIGATION OF STOCKPILE FUNDS.**—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to \$78,700,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) **ADDITIONAL OBLIGATIONS.**—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) **LIMITATIONS.**—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. LIMITATIONS ON PREVIOUS AUTHORITY FOR DISPOSAL OF STOCKPILE MATERIALS.

(a) **PUBLIC LAW 105-261 AUTHORITY.**—Section 3303(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2263; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following: "(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a)."

(b) **PUBLIC LAW 105-85 AUTHORITY.**—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 2058; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY.—" and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following: "(2) The President may not dispose of cobalt under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a)."

(c) **PUBLIC LAW 104-201 AUTHORITY.**—Section 3305(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2855; 50 U.S.C. 98d note) is amended—

(1) by striking "(b) LIMITATION ON DISPOSAL QUANTITY," and inserting "(b) LIMITATIONS ON DISPOSAL AUTHORITY.—(1)"; and

(2) by adding at the end the following:

"(2) The President may not dispose of materials under this section in excess of the disposals necessary to result in receipts in the amounts specified in subsection (a).".

TITLE XXXIV—PANAMA CANAL COMMISSION

SEC. 3401. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 2000".

SEC. 3402. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for the period October 1, 1999, through noon on December 31, 1999.

(b) LIMITATIONS.—For the period described in subsection (a), the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than \$25,000 for official reception and representation expenses, of which—

(1) not more than \$7,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than \$3,500 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than \$14,500 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3403. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of replacement passenger motor vehicles, the purchase price of which shall not exceed \$26,000 per vehicle.

SEC. 3404. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3405. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—The Office of Transition Administration established under subsection (b) of section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) is authorized to obligate and expend funds from the Panama Canal Commission Dissolution Fund established under subsection (c) of such section for the purposes enumerated in such subsection until the fund terminates.

(b) ADMINISTRATIVE OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in Washington, District of Columbia. The office in Panama shall be subject to the authority of the United States chief of mission in the Republic of Panama.

(c) OVERSIGHT OF CLOSE-OUT ACTIVITIES.—The Panama Canal Commission shall enter into an agreement with the head of a department or agency of the Federal Government to supervise the close out of the affairs of the Commission under section 1305 of the Panama Canal Act of 1979 and to certify the completion of that function.

(Pursuant to the order of May 27, 1999, the text of S. 1060, as amended, is Division A of S. 1059; the text of S. 1061, as amended, is Division B of S. 1059; and the text of S. 1062, as amended, is Division C of S. 1059.)

ORDERS FOR TUESDAY, JUNE 8, 1999

Mr. COCHRAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. on Tuesday, June 8. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on S. 1122, the defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I further ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COCHRAN. For the information of all Senators, the Senate will resume consideration of the defense appropriations bill at 9:30 a.m. on Tuesday. By previous consent, a vote on the pending Grassley amendment will occur at 9:45 a.m. Also by previous consent, first-degree amendments to the bill must be offered by 2:30 p.m. tomorrow. Therefore, further amendments and votes are expected throughout tomorrow's session of the Senate.

As a reminder, cloture on the motion to proceed to the Y2K legislation was filed today. That cloture vote will occur on Wednesday at a time to be determined.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. COCHRAN. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:52 p.m., recessed until Tuesday, June 8, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 7, 1999:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ARMANDO FALCON, JR., OF TEXAS, TO BE DIRECTOR OF THE OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, FOR A TERM OF FIVE YEARS, VICE AIDA ALVAREZ.

EXECUTIVE OFFICE OF THE PRESIDENT

ROBERT Z. LAWRENCE, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE JEFFREY A. FRANKEL, RESIGNED.

DEPARTMENT OF THE TREASURY

LAWRENCE H. SUMMERS, OF MARYLAND, TO BE SECRETARY OF THE TREASURY, VICE ROBERT E. RUBIN.

DEPARTMENT OF STATE

DAVID H. KAEUPER, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CONGO.

MICHAEL D. METELITS, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAPE VERDE.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

CHRISTOPHER C. GALLAGHER, OF NEW HAMPSHIRE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM EXPIRING OCTOBER 6, 2003. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS A PERMANENT PROFESSOR OF THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4333(B):

To be lieutenant colonel

MICHAEL L. MCGINNIS, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LOSTON E. CARTER, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JACK A. MABERRY, 0000

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

JAMES N. FRAME, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

NILS S. ERIKSON, 0000
ROBERT E. HOYT, 0000
PHILLIP D. HUNT, 0000
MICHAEL J. KRENTZ, 0000

WILLIAM A. McDONALD, 0000
ALAN I. SHAPIRO, 0000
LAURA WILLIAMS, 0000
JEFFERY M. YOUNG, 0000

To be commander

CHRISTOPHER L. AMLING, 0000
BRADLEY R. AUFFARTH, 0000
ALLEN W. AYRES, 0000
DONALD R. BENNETT, 0000
JIMMY D. BOWEN, 0000
ROBERT W. BRINSKO, 0000
Dwane T. BRITTAIN, JR., 0000
FORREST M. BROWN, JR., 0000
ROBERT BUCKLEY, 0000
JOE P. CALDWELL, 0000
DAVID N. CALKINS, 0000
DELORIS J. CARNAHAN, 0000
STEVEN L. CASE, 0000
DAVID W. CHAMBERS, 0000
MARK E. CHARIKER, 0000
BARTLEY G. CILENTO, JR., 0000
ROBERT J. CLARK, 0000
WILLIAM B. COGAR, 0000
REY D. CONARD, 0000
MARK S. COTTERELL, 0000
JOHN D. COWAN, 0000
WILLIAM F. CUDDY, JR., 0000
ROBERT D. CULLOM, 0000
ROBERT A. DATTOLO, 0000
RICHARD J. DOWLING, 0000
JOHN E. DRAKE, 0000
TIMOTHY M. DUNLEVY, 0000
CHARLES W. FLEISHER, 0000
PETER FONSECA, 0000
DANIEL E. FREDERICK, 0000
ROBERT A. FRICK, 0000
PAUL J. GAGNE, 0000
JAMES F. GALLAGHER, 0000
LOUIS G. GILLERAN, 0000
JEANETTE M. GORTHY, 0000
JEFFERY R. GRAVES, 0000
KEVIN L. GREASON, 0000
GORDON F. GREEN, 0000
GUERARD P. GRICE, 0000
JOHN P. GROSSMITH, 0000
GREGORY GULLAHORN, 0000
CHARLES M. HAMES, 0000
DONGYEON P. HAN, 0000
TIMOTHY J. HANNON, 0000
KIRK E. HARUM, 0000
AMY P. HAUCK, 0000
SHERMAN M. HAWKINS, 0000
JEFF D. HEADRICK, 0000
ROBERT C. HEIM, JR., 0000
ANITA H. HICKEY, 0000
WILLIAM C. HOLLAND II, 0000
JOHN R. HOLMAN, 0000
KERRY E. HUNT, 0000
WAYNE S. INMAN, 0000
MARIE E. JOHN, 0000
NAIDA B. KALLOO, 0000
PAUL C. KELLEHER, 0000
ANTHONY S. LAPINSKY, 0000
LARRY R. LAUFER, 0000
DAVID R. LEMME, 0000
WING LEONG, 0000
MARK E. LINSKEY, 0000
PETER D. MAHER IV, 0000
TRACY A. MALONE, 0000
DOUGLAS D. MARTIN, 0000
RICHARD J. MASON, 0000
MICHAEL F. McNAMARA, JR., 0000
JAMES R. MILLER, 0000
TIMOTHY S. MOLOGNE, 0000
VERNON D. MORGAN, 0000
LINDA A. MURAKATA, 0000
JAMES W. A. NEWTON, 0000
CHARLES R. NIXON II, 0000
DAVID NORMAN, 0000